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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,041	03/02/2000	Dean F Jerding		4646

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SCIENTIFIC-ATLANTA, INC.  
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LAWRENCEVILLE, GA 30044

EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/518,041	JERDING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Van Handel	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 14-18, 68-72 and 76-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-18, 68-72, 76-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 7/03/2006. Claims **1-10, 14-18, 68-72, 76-81** are pending. Claims **1, 2, 68** are amended. Claims **11-13, 19-67, 73-75** are canceled. The examiner hereby withdraws the objection to claim **2** in light of the amendment.

### ***Response to Arguments***

1. Applicant's arguments filed 7/03/2006 have been fully considered, but they are not persuasive.

Regarding claim **1**, the applicant argues that the combination of Tomita et al. and Lemmons et al. fails to teach a processor configured to display simultaneously in each of a plurality of guide arrangements corresponding ordered program information and options corresponding to ordering based on the respective start time of corresponding programs, the respective theme of corresponding programs, or the title of corresponding programs. The applicant further argues that the combination of Tomita et al. and Lemmons et al. fails to teach a processor configured to cause a STT system to display program information in a different order responsive to user selection of one of the options presented in the initially displayed interactive program guide. The examiner respectfully disagrees. Tomita et al. discloses allowing a user to set up a customized listing of programs. The user can modify customized categories and customized time slots, allowing only the television programs falling into the specified categories and time slots to be displayed on a listing of programs (p. 6, paragraphs 94, 95 & Figs. 10, 14).

The user can also set the start up screen to be displayed at the time of starting up (p. 6, paragraph 95). The start up screen can be set to the user-specified customized listing of programs (Fig. 14). Thus, the examiner maintains that Tomita et al. suitably teaches creating initial guide arrangements for viewing program listings by time, date, or category upon start up. Tomita et al. further discloses a step in creating the customized-program-listing, which involves adding shift buttons 50, date-change buttons 51, time-slot-change buttons 52, and category-search buttons 53 (p. 5, paragraphs 75-79; p. 7, paragraphs 104-108; & Fig. 9). Thus, the examiner maintains that Tomita et al. discloses a processor configured to display simultaneously in each of a plurality of guide arrangements corresponding ordered program information and options corresponding to ordering based on the respective start time of corresponding programs or the respective theme of corresponding programs. As noted in the rejection of claim 1 in the Office Action mailed 4/04/2006, Tomita et al. does not disclose ordering program information in a guide arrangement according to the title of the corresponding programs. Lemmons et al. discloses sorting program alphabetically (col. 15, l. 11-43 & Fig. 7). Lemmons et al. further states that it is desirable to provide interactive program guide systems and related processes that allow a viewer to apply a nonrestrictive sort attribute to program schedule information in addition to, or as an alternative to, a restrictive selection criterion (col. 2, l. 56-60). Thus, the examiner maintains that Lemmons et al. remedies the deficiencies of Tomita et al. and further maintains that Lemmons et al. presents a clear motivation for such a combination to occur.

Further regarding claim 1, the applicant argues that the combination of Tomita et al. and Lemmons et al. fails to teach an initial respective portion of a corresponding ordered program information in a selected initial guide arrangement having the options being configured

according to a user selection. The examiner respectfully disagrees. Tomita et al. discloses allowing a user to set up a customized listing of programs. The user can modify customized categories and customized time slots, allowing only the television programs falling into the specified categories and time slots to be displayed on a listing of programs (p. 6, paragraphs 94, 95 & Figs. 10, 14). The user can also set the start up screen to be displayed at the time of starting up (p. 6, paragraph 95). The start up screen can be set to the user-specified customized listing of programs (Fig. 14). Furthermore, Lemmons et al. teaches sorting programs alphabetically (see above). Thus, the combination of Tomita et al. and Lemmons et al. teaches customizing the categories, time slots, and titles that will be displayed in a customized listing of programs upon start up. Therefore, the examiner maintains that the combination of Tomita et al. and Lemmons et al. teaches the limitation of “an initial respective portion of the corresponding ordered program information in said selected initial guide arrangement having the options being configured according to a user selection” as currently claimed.

Regarding claim 68, the applicant argues that the combination of Tomita et al. and Lemmons et al. fails to teach a processor configured to receive a second input corresponding to user selection of one of a plurality of initial guide arrangements presented in an initiated display session of an interactive program guide, said user-selected initial guide arrangement enabling user navigation in said interactive program guide, the user-selected initial guide arrangement having a default initial view each time the interactive program guide is activated. The examiner respectfully disagrees. Tomita et al. discloses displaying an initial screen upon start up (p. 4, paragraph 67 & Fig. 8). The user then selects the profile-management button 42 (p. 5, paragraphs 78, 81 & Fig. 10). From the initial-setting screen, the user selects the modify button

62 for making a request to change customized categories, customized time, and the start up screen (p. 5, paragraph 82 & p. 6, paragraph 94). From the setting screen, the user can customize the listing of programs to be displayed according to user-selected categories and time slots. The user can further select an option to display the customized listing of programs as the start up screen (p. 6, paragraph 95 & Fig. 14). Thus, the examiner maintains that the combination of Tomita et al. and Lemmons et al. teaches a “processor being further configured to receive a second input corresponding to user selection of one of said plurality of initial guide arrangements presented in the initiated display session of said interactive program guide, said user-selected initial guide arrangement enabling user navigation in said interactive program guide, the user-selected initial guide arrangement being a default initial view each time the interactive program guide is activated” as currently claimed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 14-18, 68-72, 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita et al. in view of Lemmons et al.

Referring to claims 1 and 68, Tomita et al. discloses a television set-top terminal (STT) system for enabling a user to navigate to an individual television service, said STT system coupled to a programmable television services server device, said STT system comprising:

- memory for storing data;
- an interactive program guide contained in said memory for displaying program information received by said STT system from said server device, said program information corresponding to a plurality of current and future programs (p. 5, paragraph 73)(Fig. 9);
- a plurality of guide arrangements corresponding to respective display-orderings of the program information, each guide arrangement ordering displayed program information based on at least one program parameter, the ordering of the program information in each of the guide arrangements being different, wherein the ordering of program information in a selected initial guide arrangement is according to the respective start time 51, 52 of corresponding programs or the respective theme 53 of corresponding programs (p. 5, paragraph 74)(Fig. 9);
- a processor configured to display simultaneously in each of the guide arrangements the corresponding ordered program information and options corresponding to ordering based on the respective start time of corresponding programs or the respective theme of corresponding programs (date-change buttons 51, time-slot-change buttons 52, and category-search buttons 53)(p. 5, paragraphs 75-79; p. 6, paragraphs 94, 95; p. 7, paragraphs 104-108; & Figs. 9, 10, & 14);
- configuration information contained in said memory, said configuration information comprising:
  - o a plurality of respective initial guide arrangements corresponding to the plurality of guide arrangements (Figs. 10, 14);

- a first selection indication that denotes one of said plurality of initial guide arrangements corresponding to respective display-orderings of the program information as the selected initial guide arrangement, the selected initial guide arrangement being a default each time the interactive program guide is activated and an initial respective portion of the corresponding ordered program information in said selected initial guide arrangement having the options being configured according to a user selection (p. 6, paragraphs 94, 95); and
- a remote control (an input device is inherent to the personal computer)(Fig. 3) for initiating a display session of said interactive program guide (activation request)(p. 4, paragraph 66) and said configuration information, wherein the processor is further configured to cause said STT system to initially display said program information according to said selected initial guide arrangement and said initial respective portion of the corresponding ordered program information, said processor responsive to a first user input received from a controller corresponding to initiating the display session of said interactive program guide and said configuration information, said processor further configured to cause said STT system to display said program information in a different order responsive to user selection of one of the options presented in said initially displayed interactive program guide (the examiner notes that the start up screen can be set to display the user-customized listing of programs, and that generating the user-customized listing of programs includes adding the shift buttons



50, the date-change buttons 51, the time-slot-change buttons 52, and the category-search buttons 53)(Figs. 9, 14).

Further referring to claim 68, Tomita et al. discloses a processor configured to cause said STT to initially provide a user option to select one of said plurality of initial guide arrangements, said processor responsive to a first user input received from pressing a single key on a remote control corresponding to initiating a display session of said interactive program guide (the menu of Fig. 8 is initially displayed), said processor being further configured to receive a second input corresponding to user selection of one of said plurality of initial guide arrangements presented in the initiated display session of said interactive program guide, said user-selected initial guide arrangement (Fig. 14) enabling user navigation in the initiated display session of said interactive program guide, the user-selected guide arrangement being a default initial view each time the interactive program guide is activated.

Tomita et al. does not disclose ordering program information in a selected initial guide arrangement according to the title of the corresponding programs. Lemmons et al. discloses sorting programs alphabetically (col. 15, l. 11-43)(Fig. 7). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the customized listing of programs setting of Tomita et al. to include the option of sorting programs alphabetically, such as that taught by Lemmons et al. in order to provide interactive program guide systems and related processes that allow a viewer to apply a nonrestrictive sort attribute to program schedule information (Lemmons et al. col. 2, l. 56-59).

Referring to claim 2, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 1, wherein a first portion of the ordered program information displayed at a

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first time 14:00 of displaying the selected initial guide arrangement (Tomita et al. Fig. 9) corresponds to programs accessible at a first of channels shown.

Referring to claim 3, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 2, wherein a second portion of the ordered program information displayed at the first time of displaying the selected initial guide arrangement (Tomita et al. Fig. 9) corresponds to programs exclusively accessible at a future time 15:00 from the first time.

Referring to claims 4 and 76, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claims 1 and 70, respectively, wherein programming may be displayed only if it matches specific criteria (movie, drama, sports, news, etc.)(Tomita et al. p. 6, paragraph 95 & Fig. 14). This reads on the claimed ordered program information displayed at the time of displaying the selected initial guide arrangement corresponds exclusively to a first type of programming.

Referring to claim 5, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 2, wherein the initial respective portion of the corresponding ordered program information in the selected initial guide arrangement is according to a user selection in a previous displayed session of said interactive program guide (the start up screen displays the customized listing of programs according to pre-set settings)(Tomita et al. Fig. 14).

Referring to claim 6, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 1, wherein the said selected initial guide arrangement corresponds to the guide arrangement in the last displayed session of said interactive program guide (the examiner notes that the start up screen will display the customized listing of programs upon start up until the settings are changed).

Referring to claims **7**, **9**, **71**, and **72**, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claims 4, 1, and 70, respectively, wherein the ordered program information displayed at the time of displaying the selected initial guide arrangement is according to the respective start times of the corresponding programs and according to the respective channel numbers providing the corresponding programs (Tomita et al. Fig. 14).

Referring to claims **8** and **77**, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claims 7 and 76, respectively, wherein the first type of programming corresponds to movies (Tomita et al. Fig. 14).

Referring to claim **10**, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 9, wherein said processor is further responsive to a subsequent user input (search button 54) to overlay (Lemmons et al. Fig. 7) a list on a portion of the selected initial guide arrangement corresponding to a visual ordering of the at least one respective program parameter (Tomita et al. Fig. 18), said list comprising at least one of the plurality of initial guide arrangements, and wherein the processor provides a selectable option for the at least one of the plurality of initial guide arrangements.

Referring to claims **14** and **78**, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claims 8 and 77, respectively, wherein a first portion of the ordered program information displayed at the time of displaying the selected initial guide arrangement corresponds to purchasable movies (Tomita et al. Fig. 14)(Lemmons et al. col. 14, l. 25-28).

Referring to claim **15**, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 1, wherein the ordering of program information in the selected initial guide

arrangement corresponds to a two-dimensional ordering based on at least two program parameters (time and channel)(Tomita et al. Fig. 9).

Referring to claim 16, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 1, wherein the initial respective portion of the corresponding ordered program information arrangement configured according to the user selection in the selected initial guide is different than a default initial portion of said selected initial guide arrangement (the initial screen is that shown in Fig. 8 until the user changes the start up screen setting)(Tomita et al. Figs. 8, 9, 14).

Referring to claim 17, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 16, wherein the configuration information contained in said memory is different than the interactive program guide contained in said memory (the setting information determines which programs will be displayed upon start up).

Referring to claim 18, the combination of Tomita et al. and Lemmons et al. teaches the STT system of claim 17, wherein responsive to the first user input the processor initiates a configuration module different than said interactive program guide prior to initiating said interactive program guide (Fig. 8).

Referring to claims 69 and 70, the combination of Tomita et al. and Lemmons et al. teaches the STT of claim 68, wherein responsive to receiving the second user input the processor causes said STT to display ordered program information in the user-selected initial guide arrangement (Lemmons et al. teaches that upon selecting any searching or sorting criteria, the searching or sorting function can be automatically applied to the list)(Lemmons et al. col. 4, l. 44-64 & Fig. 7).

6. Claims **79-81** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita et al. in view of Lemmons et al. and further in view of Florin et al.

Referring to claims **79-81**, the combination of Tomita et al. and Lemmons et al. teaches the STT systems of claims 1 and 68. The combination of Tomita et al. and Lemmons et al. further teaches a menu for browsing by category, date, or time 51, 52, 53 (Tomita et al. Fig. 9). The combination of Tomita et al. and Lemmons et al. does not teach a second selection indication that denotes toggling on or toggling off a browse-by menu, wherein a processor is further configured to cause the STT system to initially display the browse-by menu responsive to the browse-by menu being toggled on, the browse-by menu being displayed on a portion of the interactive program guide and providing options to select another guide arrangement of a plurality of guide arrangements that has a different display-ordering of the program information than the selected initial guide arrangement. Florin et al. discloses activating a program list in response to pressing a list button, and further activating a category overlay panel in response to pressing a categories button (col. 19, l. 4-25)(Fig. 28). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the program listing format (Fig. 9) of Tomita et al. in the combination of Tomita et al. and Lemmons et al. to include an option of toggling search features on in an overlay, such as that taught by Florin et al. in order to present an improved audio-visual user interface (Florin et al. col. 2, l. 20).

*Conclusion*

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Van Handel  
Examiner  
Art Unit 2623

MVH

  
**CHRIS KELLEY**  
**SUPERVISORY PATENT EXAMINER**  
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